

United States Court of Appeals
for the Fifth Circuit

United States Courts
Southern District of Texas
FILED

January 27, 2021

Nathan Ochsner, Clerk of Court

No. 20-40273
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 5, 2021

Lyle W. Cayce
Clerk

RACHEL WILLARD,

Plaintiff—Appellant,

versus

FRIENDSWOOD INDEPENDENT SCHOOL DISTRICT,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 3:18-CV-233

Before CLEMENT, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Rachel Willard appeals the district court's entry of summary judgment for Friendswood Independent School District on her claims under the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-40273

Willard primarily argues that she was constructively discharged from her position as a first-grade teacher. A constructive discharge occurs when “an employer discriminates against an employee to the point such that his working conditions become so intolerable that a reasonable person in the employee’s position would have felt compelled to resign.” *Green v. Brennan*, 136 S. Ct. 1769, 1776 (2016) (quotation omitted). But, as the Magistrate Judge found in recommending summary judgment for Friendswood, Willard admitted in her sworn deposition that her working conditions never reached that level. Indeed, contrary to her arguments here, Willard was offered the chance to return as a co-teacher in pre-kindergarten. There is no evidence the new position was a demotion or came with a reduced salary.

Her appeal of the hostile work environment claim fares no better. We have carefully considered the parties’ briefs, the record, and the applicable law. For essentially the reasons stated in the Magistrate Judge’s Memorandum and Recommendation of December 12, 2019, which the district court adopted over Willard’s objection on March 23, 2020, we AFFIRM the judgment of the district court.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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January 27, 2021

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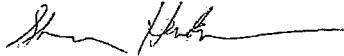
No. 20-40273 Willard v. Friendswood Indep Sch Dist
USDC No. 3:18-CV-233

Dear Mr. Ochsner,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Shawn D. Henderson, Deputy Clerk
504-310-7668

cc:

Mr. Jonathan Griffin Brush
Mr. Clay Thomas Grover
Ms. Ellen Sprovach